

Notice of Allowability	Application No.	Applicant(s)	
	10/024,506	DENUZZIO ET AL. <i>cd</i>	
	Examiner	Art Unit	
	Robert L. Nasser	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to phone conversation of 8/31/2004.
2. ☒ The allowed claim(s) is/are 6, 8-10, 16, 17, 20-23, 30, 32-34, 40-44, 66-69 (renumbered 1-23).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>09012004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on August 31, 2004, Mr. Christian Michel requested an extension of time for a third MONTH and authorized the Director to charge Deposit Account No. 18-2220 the required fee of \$530 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The examiner hereby gives authorization for applicant to supply formal drawings and correct the following informalities. The labelling of the figures is informal. In addition, figures 7 and 12 are informal.

The application has been amended as follows:

In claim 20, line 7, the words "at least one auxiliary electrode" have been replaced with -- auxiliary electrodes --.

In claim 20, line 7, the words -- each of -- have been added after the word surround.

In claim 20, line 8, the word "electrode" has been replaced with -- electrodes --.

In claim 20, lines 10-11, the phrase "positioned for use in a sequential manner" have been replaced with -- sequentially positioned at at least one active location of said device.--.

In claim 41, line 8, the words "an auxiliary electrode" have been changed to – auxiliary electrodes --.

In claim 41, line 8, the words – each of – have been added after the word surround.

In claim 41, line 8, the word "electrode" has been replaced with – electrodes --.

In claim 41, lines 12-13, the phrase "positioned for use in a sequential manner" have been replaced with -- sequentially positioned at at least one active location of said device.--.

In claim 66, lines 3-4, the phrase "positioned for use in a sequential manner" have been replaced with -- sequentially positioned at at least one active location of said device--.

In claim 66, line 7, the words "at least one auxiliary electrode" have been changed to – auxiliary electrodes --.

In claim 66, line 7, the words – each of – have been added after the word surround.

In claim 66, line 8, the word "electrode" has been replaced with – electrodes --.

In claim 68, line 3, the phrase "positioned for use in a sequential matter" have been replaced with -- sequentially positioned at at least one active location of said device.--.

In claim 68, line 8, the words "an auxiliary electrode" have been changed to – auxiliary electrodes --.

In claim 68, line 7, the words – each of – have been added after the word surround.

In claim 68, line 7, the word "electrode" has been replaced with – electrodes --.

These changes were made to clarify that the active electrodes were capable of being sequentially positioned at an active area of the device, as opposed to how the claim previously read, which stated that the electrodes were positioned for sequential use. During a phone conversation with Mr. Michel on 8/31/2004, the examiner noted that the electrodes of Sohrab, for example, were capable of being used sequentially, even if they were not intended to be. As amended, the claims define over any combination with such a device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert L. Nasser whose telephone number is (703) 308-3251. The examiner can normally be reached on Mon-Fri, variable hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (703) 308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert L. Nasser
Primary Examiner
Art Unit 3736



ROBERT L. NASSER
PRIMARY EXAMINER

RLN
September 1, 2004